

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

LAUREN MURRAY
6076 Sweetleaf Court
Galloway, OH 43119

Plaintiff,

V.

NCO FINANCIAL SYSTEMS, INC.
1300 E. 9th Street
Cleveland, OH 44114

Defendant.

Case No.: 3:12-cv-01018

JURY DEMAND ENDORSED HEREON

VERIFIED CIVIL COMPLAINT

(Unlawful Debt Collection Practices)

VERIFIED COMPLAINT

LAUREN MURRAY (Plaintiff), by her attorneys, KROHN & MOSS, LTD., alleges
the following against NCO FINANCIAL SYSTEMS, INC. (Defendant):

INTRODUCTION

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, *15 U.S.C. 1692 et seq.* (FDCPA).

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy,” and *28 U.S.C. 1367* grants this court supplemental jurisdiction over the state claims contained therein.
3. Because Defendant conducts business in Ohio, personal jurisdiction is established.
4. Venue is proper pursuant to *28 U.S.C. 1391(b)(2)*.

PARTIES

5. Plaintiff is a natural person who resides in Galloway, Franklin County, Ohio and is allegedly obligated to pay a debt, and Plaintiff is a “consumer” as that term is defined by *15 U.S.C. 1692a(3)*.
6. Pursuant to the definitions outlined in *15 U.S.C. 1692a(1-6)*, Defendant is a debt collector and sought to collect a consumer debt from Plaintiff which was allegedly due and owing from Plaintiff, and Plaintiff is a consumer debtor.
7. Defendant is a debt collector with an office in Cleveland, Ohio.
8. Defendant uses instrumentalities of interstate commerce or the mails in any business the principal purpose of which is the collection of any debts, or who regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another and is a "debt collector" as that term is defined by *15 U.S.C. § 1692a(6)*.
9. Defendant is a collection agency that in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection.

FACTUAL ALLEGATIONS

10. Defendant constantly and continuously places collection calls to Plaintiff seeking and demanding payment for an alleged debt. Upon information and belief, this debt is originally owed to Nationwide Children's Hospital for a medical debt incurred when Plaintiff's infant was in the NICU at Riverside Methodist Hospital in Columbus, Ohio.
11. Defendant calls Plaintiff's cell phone at xxx-xxx-9815 from 866-894-0261 and 800-786-9330.

12. For example, over a 9-day period (December 14-23 ,2011), Defendant called Plaintiff over 19 times.

13. On December 21, 2011, Plaintiff called Defendant and spoke to a female collector. Plaintiff explained that this account should never have been sent to collections, as a payment plan has been established directly with the original creditor. Plaintiff told Defendant to stop calling. Thereafter, Plaintiff received another two phone calls over the next 24 hours from Defendant.

COUNT I
DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

14. Defendant violated the FDCPA based on the following:

- a. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress, or abuse the Plaintiff in connection with the collection of a debt.
- b. Defendant violated §1692d(5) of the FDCPA by causing a telephone to ring and engaging Plaintiff in telephone conversations repeatedly and continuously with the intent to annoy, abuse, and harass Plaintiff.

WHEREFORE, Plaintiff, LAUREN MURRAY respectfully requests judgment be entered against Defendant, NCO FINANCIAL SYSTEMS, INC.. for the following:

15. Statutory damages of \$1000.00 pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*,
16. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*
17. Any other relief that this Honorable Court deems appropriate.

DEMAND FOR JURY TRIAL

Plaintiff, LAUREN MURRAY, requests a jury trial in this case.

RESPECTFULLY SUBMITTED,

/s/ David Tannehill
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VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF OHIO

Plaintiff, LAUREN MURRAY, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, LAUREN MURRAY, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

4/9/11
Date


LAUREN MURRAY

PLAINTIFF'S VERIFIED COMPLAINT